

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

April 3, 2007

Meeting was commenced at 7:25 p.m.

PRESENT:

Council Members: Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Deputy CAO Scott Bond; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Council Office Director Phil Glenn; Council Office Manager Pam Lehman; Council Executive Secretary Wendy Densley

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Charlie Emery of Troop #1900, and the Pledge was led by Brooks Bingham, also of Troop #1900.

2. **CITIZEN(S) COMMENTS:**

a. There were no Citizen Comments.

PUBLIC HEARING(S):

3. **Code Amendment: Definition of Public Utility Station**

Public Hearing to consider a code amendment to Section 15-15-02, Definitions, Title 15, Land Development Code, Revised Ordinances of Sandy City. The proposed code amendment is to revise the definition of Public Utility Station.

Discussion Community Development Director Mike Coulam reported that Mr. Tracy Cowdell, who represents the Sandy Suburban Improvement District ("SSID") has filed a request to amend Section 15-15-02, Definitions - Title 15, Land Development Code, Revised Ordinances of Sandy City. The applicant is requesting a code amendment that will expressly allow a water reuse plant within the Industrial (ID) Zone as a conforming or permitted use. It is the intent of the applicant to amend the definition of a public utility station to add the treatment and distributing water for reuse. The proposed change has been attached as **Exhibit "A"**.

PROPOSAL

It is proposed to amend Section 15-15-02, Definitions. The ordinance amendment is intended to provide some flexibility for future building construction in the City. Specifically, the proposed ordinance amendment would allow a water reuse plant to be considered as a public utility station.

NON-CONFORMING USES

The proposed ordinance amendment will not create any non-conforming uses within Sandy City.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed ordinance amendment is consistent with the purpose of statement #6. These provisions would allow for a system of fair, comprehensive, consistent and equitable regulations, standards and procedures that are required of all proposed development within Sandy City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

City staff has evaluated this proposal and determined that by adding additional uses, such as water reuse to the public utility station definition, the ambiguity will be removed from the current land use code for this type of use. It is believed that water reuse will eventually be a requirement in Utah as it is in surrounding states. Staff believes that the proposed additional use would be compatible with the existing uses within the Industrial Zone. The applicant has submitted information regarding the feasibility of a water reuse plant that can be made available upon request.

STAFF RECOMMENDATION

The Community Development Department respectfully requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", attached, for the following reasons:

- a. Compliance with the Purpose of the Land Development Code, specifically purpose statement #6 by promoting fair and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
- b. Compliance with the Goals and Policies of the General Plan by promoting regulations that provide for orderly and efficient development, which will be compatible with the natural and built environment.
- c. The proposed additional use would be compatible with the existing uses within the Industrial Zone.

Exhibit “A”

Public Utility Station. A structure or facility used by a public or quasi-public utility agency to store, distribute, or generate electricity, gas, telecommunications, and related equipment, or to *capture*, pump, *and to otherwise engage in all aspects of treating and distributing water or effluent*. This definition shall not include storage or treatment of solid waste, or hazardous waste.

Mike Coulam stated that the City would like to take advantage of the opportunity to utilize the Public Utility Station as a source for secondary water for the city.

Tracy Cowdell, representative for the Sandy Suburban Improvement District, also introduced Nancy Groberg, who is the General Manager of the Sandy Suburban Improvement District. He explained that the Improvement District intends to develop a new plant behind their existing facility that will include a sophisticated filtering and treatment system that will result in the use of reused water for a number of difference uses. This system has the potential to save Sandy residents up to one million gallons of water per day. He noted that they are currently in the study phase of the proposal. Dan Jones will be doing a survey to see how the public would respond to this service. In order to be in compliance with Sandy City codes, the definition of a Public Utility Station needs to be amended to allow for this type of use within the ID [Industrial] Zone.

Shane Pace informed the Council that the Public Utilities Department supports the proposed code amendment. He stated that reuse water would become a prevalent use based on the ULS Petition, and that most communities will be required to recycle used water in their communities. Mr. Pace complimented Sandy Suburban Improvement District for their foresight in the implementation of this program. Sandy will need to enter into an agreement with the Improvement District for the treatment and use of reuse water. Once the feasibility study has been completed, the City will start negotiations on the water rights. The Council will be able to help in the establishment of policies and standards for this agreement.

Chairman Tenney opened the Public Hearing. As there were no comments, the hearing was closed.

Chris McCandless asked if the Improvement District had a distribution system in place.

Tracy Cowdell indicated that they anticipate asking big water uses [school districts, parks] to participate in the program. Mr. Cowdell indicated that if they are awarded grants to help pay for the facility, they would be able to run the plant year round.

Bryant Anderson asked Mr. Cowdell if they had a lobbyist assisting them in obtaining grant funding.

Tracy Cowdell indicated that the Improvement District is looking into various options to obtain funding for their facility.

Bryant Anderson asked if the City's water rights would be diminished if they participate in the reuse program.

Shane Pace reported that water rates are based on usage, and that most of the extra water ends up either in the aquifers or the Jordan River.

Steve Smith stated that it would be important for all entities to come together on this proposal.

April 3, 2007

City Council Meeting Minutes

Scott Cowdell stated that this service would be a great benefit for all residents, and that the City should do all they can conserve water, especially when our water sources are running out. He stated that this is when costs become secondary.

Tracy Cowdell reported that approximately 5 million gallons of water a day wasted. He stated that the District is very excited about this new technology, and that this new facility will be one of the finest in the entire State.

Steve Faribanks stated that this would be a great and exciting opportunity for our City to participate in.

Chris McCandless requested that the Council be invited to take a tour of the new Public Utility Station when it is completed and operational.

Motion: **Steve Fairbanks** made the motion to have documents bought back to adopt a code amendment to Section 15-15-02, Definitions, Title 15, Land Development Code, Revised Ordinances of Sandy City to revise the definition of Public Utility Station.

Second: **Bryant Anderson**

Vote: **Fairbanks – Yes, Anderson – Yes, Saville – Yes, Cowdell- Yes, Smith – Yes, McCandless- Yes, Tenney- Yes**

Motion Approved: All in Favor

COUNCIL ITEMS(S):

4.. **Citizen Committee Review**

Discussion: **Phil Glenn** reviewed the Staff recommended appointments to the various Citizen Committees. He stated that a resolution appointing individuals to the various citizens committees would be prepared for adoption at next week's Council meeting.

Mr. Glenn informed the Council that Staff is recommending an Implementation Committee for the Historic Sandy Neighborhood Plan. **The City Council gave their approval for Staff to begin this process.**

Steve Smith presented the names of Steve Edwards and Shad Slaughter as candidates for the Parks and Recreation Trails Committee.

Phil Glenn asked the Council if they would like these individuals to be interviewed at next week's meeting. The Council gave their approval to bring Steve Edwards and Shad Slaughter for interviews.

Chris McCandless recommended that Dave McCarther, from McCarther Homes, be considered as a potential candidate for appointment to the Public Utilities Board. **Mayor Dolan** indicated that he would contact Mr. McCarther.

Dennis Tenney also indicated that Dan Simons Sr. had expressed an interest in serving on a citizen committee, and recommended that he be interviewed as a potential candidate for the Public Utilities Advisory Board.

5. **Discussion Notice Requirements for Hearing and Public Meetings**

Discussion: **City Attorney Wally Miller** presented a handout to the City Council regarding the new State notice requirements for Development Code Amendments. **[Ref: Exhibit "A"]**

Mr. Miller explained that laws are changing with respect to public hearings, which will require the Council to make certain decisions regarding these changes.

He reviewed the requirements for the Planning Commission and City Council. He noted that under the Planning Commission, a "public hearing" would be required, and a "public meeting" would be required by

In the past, the City Council has been required to hold public hearings. However, with the new change, the law no longer requires that public hearings be held with the City Council. He noted however, that this would be left up to the Council to decide if they would still include the public in a formal hearing process.

Mr. Miller stated that one element of the requirements for hearing notifications is to publish hearing notices in the newspaper. This is something that is costly for the City to do, with very few residents ever reading these notices in the paper. He stated that this was totally ineffective, and a waste of time and money. He asked the Council to start looking at more effective ways to communicate with the public through electronic means and the City's Web Page.

Steve Smith asked Mr. Miller if the State had established a web site for cities to post their hearing notices on.

Wally Miller stated that his understanding was that the State web site would not be operational until sometime next year.

Chris McCandless reported that Idaho requires applicants to post large signs near subject properties advertising public hearing notices. He felt another effective way to notify residents would be to send notices via mail. Posting notices in the newspaper, in his opinion, has been a complete waste of time and money.

Mayor Dolan felt that if monthly ads were posted in the City's monthly newsletter it would also prove to be more effective. When there is a controversial issue, a notice could be posted in the City's newsletter and the South Valley Journal.

Bryant Anderson felt that a monthly agenda of upcoming hearings could also be posted on the City's web site, then also post a notice in the Sandy Journal that lists upcoming issues of interest to the public.

Scott Cowdell stated that he felt this new ruling is giving more power to appointed officials and taking power away from the elected officials. He felt that this City Council should continue to hold public hearings, and look into ways to improve communications with the public by posting weekly Council agendas on the web page, and doing all that can be done to inform the public.

Dennis Tenney agreed with Mr. Cowdell's suggestion to continue holding public hearings, and come up with more effective means to inform the public. He especially liked Mr. McCandless's recommendation of requiring applicants to post their hearing notices near City Hall on poster-sized boards.

Wally Miller informed the Council that they did not have to make any formal decisions at this time since further discussions will be held on this issue over the next several weeks. He stated that once the Council has had an opportunity to hear the complete history, they can then discuss what their recommendations would be regarding requirements for hearings and public meetings.

MINUTES:

6. Approving the **March 6, 2007** City Council Meeting Minutes.

Motion: **Chris McCandless** made the motion to approve the March 6, 2007 City Council Meeting Minutes as written.

Second: **Steve Smith**

Vote: **The Council responded verbally in the affirmative to the motion.**

Motion Approved.

MAYOR'S REPORT

7. a. **Mayor Dolan** reported that a trip to our Sister City, Resa Germany, has been planned for this

April 3, 2007

City Council Meeting Minutes

July. The Administration would like to know if any of the Council is interested in going. **Steve Smith** indicated that he would be interested in going. The Mayor would inform the Council of the dates at a later time.

- b. **Mayor Dolan** reported on a telephone conversation that he had with Bob Dunn from the South Valley Boys and Girls Club. He stated that he informed them that the City would like to take a different direction at this time by withdrawing from the South Valley organization, with a plan to build our own community center and structure our own after school programs in the community.

CAO'S REPORT

- 8.a. **Byron Jorgenson** stated that the Administration is recommending that the site behind City Hall be used as the staging area for the 4th of July Fireworks. The former site is under construction and no longer available for use.
- b. **Byron Jorgenson** reported that the new prefabricated restroom for the Dewey Bluth Park is scheduled for delivery this week.
- c. **Byron Jorgenson** reported that the revenues from the Golf Course for March of last year to this year have almost doubled.
- d. **Byron Jorgenson** reported the water pump at the Golf Course should be up and running within the next 10 days. This pump will be used to pump water from the well to water the greens at the course.
- e. **Rick Smith** reported on a complaint from a resident about the vibration on the road 78th South between 8th and 9th East. This individual is concerned that the vibration from heavy vehicles could cause the stucco on his home to break. The City Engineers have inspected the site but were not able to detect any damage. The Public Works Department has decided to hire a seismic firm to set detectors in the area to determine if there is a high level of vibration sufficient enough to cause damage to the home.

COUNCIL OFFICE DIRECTOR'S REPORT

- 9.a. **Phil Glenn** presented copies of the updated monthly calendar. He reported on a Pipe Signing that will be held tomorrow, Wednesday, April 4th, at 11:30 a.m. The pipe signing is for the last section of pipe that will be installed for the POMA project.
- b. **Phil Glenn** asked Council members who are attending the St. George Utah League Conference Thursday, April 12th –13th, to please pick up their travel packets at the end of the Council Meeting.
- c. **Phil Glenn** asked the Council to please R.S.V.P. to Assistant to the Mayor Marsha Millet on the Teacher Appreciation Dinner that is scheduled for Thursday, April 19th.
- d. **Phil Glenn** informed the Council that notices have been posted notifying the public of the date change for the Alta Quadrant Meeting.

OTHER COUNCIL BUSINESS

- 10. a. **Bryant Anderson** clarified, for the public record, that the City did not spend \$200,000 lobbying the Legislature for approved funding for the ReAl soccer stadium as reported on a K.S.L. television report.

Mayor Dolan explained that the \$200,000 dollars was spent on all issues related to Sandy City, ReAl being only one of them.

Wally Miller suggested that the Council might want to consider establishing a web site where the

7

April 3, 2007

City Council Meeting Minutes

City can address and clarify certain news articles that have inaccurate information published by the press.

At approximately 8:40 p.m., Chris McCandless made a motion to adjourn Council Meeting, motion seconded by Scott Cowdell.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Dennis B. Tenney
Council Chairwoman

Pam Lehman
Council Office Manager

Xm040307.min